

**REGULAR MEETING OF THE COMMON COUNCIL  
OF THE CITY OF PLATTSBURGH, NEW YORK**

**March 12, 2009**

**5:30 P.M.**

**MINUTES**

**Present:** Mayor Donald Kasprzak, Councilors Tim Carpenter (W1), Michael Kelly (W2), George Rabideau (W3), Jim Calnon (W4), Amy Valentine (W5), Chris Jackson (W6)

**Absent:** None

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**1. MINUTES OF THE PREVIOUS MEETING**

**RESOLVED:** that the Minutes of the regular meeting of the Common Council held on March 5, 2009 are approved and placed on file among the public records of the City Clerk's Office

By Councilor Valentine; Seconded by Councilor Jackson

Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson

(All voted in the affirmative)

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**2. PAYROLLS OF VARIOUS DEPARTMENTS**

**RESOLVED:** That the payrolls of the various Departments of the City of Plattsburgh for the week ending March 11, 2009 in the amount of **\$ 257,366.38** are authorized and allowed and the Mayor and the City Clerk are hereby empowered and directed to sign warrants drawn on the City Chamberlain for the payment thereof.

By Councilor Calnon; Seconded by Councilor Jackson

Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson

(All voted in the affirmative)

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**3. REPORTS OF CITY OFFICES & COMMITTEE REPORTS**

- Report of Fire and Ambulance Responses for the week of March 5-11, 2009
- Report from the Building Inspector's Office from January 2- March 9, 2009
- Report from the City Clerk's Office of all monies received during the month of February 2009
- Monthly report of the Parking Violations Bureau for February 2009
- Report of the Finance Department's monthly statement of receipts/expenditures for December 2008

**RESOLVED:** That the reports as read are hereby ordered, received and placed on file among the public records of the City Clerk's Office.

By Councilor Carpenter; Seconded by Councilor Rabideau

Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson

(All voted in the affirmative)

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**4. AUDITS OF CLAIMS**

**RESOLVED:** That the bills approved by the Auditing Committee of the Common Council in the amount of **\$ 304,593.10** are authorized and allowed and the Mayor and City Clerk (where required) are hereby authorized and directed to sign warrants drawn on the City Chamberlain for the payment thereof.

By Councilor Jackson; Seconded by Councilor Valentine  
Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson  
(All voted in the affirmative)

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**5. PERSONS ADDRESSING COUNCIL**

**Theresa Bennett** of 95 Brinkerhoff Street said she is a parent of 3 sons and a grandparent of 3 granddaughters. She is upset that someone is allowed to come as an expert and give equal weight with legitimate scientists. Bennett sat on the school board for 11 years. They had to vote on many things that they were not educated in so they had to turn to experts. Bennett hopes that we would always turn to legitimate experts. She can not see why our health professionals would conspire to poison the children. She knows that on the internet you can find allegations of anything. You can't find that studies have been done linking driving a car and brain damage because no one has done that. Bennett is frustrated by the presentation and she would hope that the Council will not give equal weight to people who have done study after study and people who haven't. Studies in China and India are not controlled and studies that involve 6 times as much fluoride as ours do not hold any scientific relevance. Bennett hopes the Council continues fluoridating the water. Bennett said we should try to help those who might not have access to dentists.

**Andrew Gould** of 17 Couch Street said his entire portfolio has not gone down in value because he holds real estate in the City. Somewhere somehow something has been done right. Gould said even though a lot of publicity has been had, a lot of people lost money, speculation, bad advice, thievery, bad luck, and bad timing. Gould said the City of Plattsburgh is doing a lot to maintain a lot of values. Rents are stable. Not a lot of drug dealers in the street. He sees them in the newspaper all the time. Gould said he has to thank Councilors, law officials, and police that don't get paid a lot of money, to rush in when a lot of people rush away. He was going to say one more thing tonight about the City inquiring a new street sweeper that doesn't spew a cloud of dust. Gould said that has been a thorn in his side. He doesn't know where we are getting the money to buy a fancy machine but he could get a couple guys on the street sweeping crew sweeping by hand and give the guys some work. Thanks for maintaining property values. Thank you Councilors and everyone involved.

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**6. OTHER ITEMS**

**A. THE MAYOR HANDS DOWN THE APPOINTMENT OF PLANNING BOARD MEMBER TO DALE DOWDLE EXPIRING JANUARY 13, 2016.**

Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson  
(All voted in the affirmative)

**ACTION TAKEN:** Adopted

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**B. THE MAYOR HANDS DOWN THE APPOINTMENT OF PLANNING BOARD MEMBER TO GREGG TETREAULT EXPIRING ON JANUARY 13, 2015.**

Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson

(All voted in the affirmative)

**ACTION TAKEN:** Adopted

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**C. THE MAYOR HANDS DOWN THE APPOINTMENT OF PLANNING BOARD MEMBER ALTERNATE TO SCOTT TETREAULT EXPIRING ON JANUARY 13, 2011.**

Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson

(All voted in the affirmative)

**ACTION TAKEN:** Adopted

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**D. Request from the Finance Office to create a capital project for 2009 Brinkerhoff Street Resurfacing Project, Project H5110.27 for approximately \$471,000.**

**RESOLVED:** In accordance with the request therefore the Common Council approves the Finance Office to create a capital project for 2009 Brinkerhoff Street Resurfacing Project, Project H5110.27 for approximately \$471,000.

By Councilor Jackson; Second by Councilor Carpenter

Discussion: None

Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson

(All voted in the affirmative)

**ACTION TAKEN:** Adopted

Follow up Action: None

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**E. Request from the Finance Office to create a capital project for 2009 Lateral Replacement Elm Street – Cornelia Street Project, Project H8320.66 for approximately \$230,000.**

**RESOLVED:** In accordance with the request therefore the Common Council approves the Finance Office to create a capital project for 2009 Lateral Replacement Elm Street – Cornelia Street Project, Project H8320.66 for approximately \$230,000.

By Councilor Valentine; Second by Councilor Kelly

Discussion: None

Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson

(All voted in the affirmative)

**ACTION TAKEN:** Adopted

Follow up Action: None

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**F. Request from the City Engineer to advertise for bids for Contract #2009-01 “Brinkerhoff Street Improvements, North Catherine Street to Oak Street.”**

**RESOLVED:** In accordance with the request therefore the Common Council approves the City Engineer to advertise for bids for Contract #2009-01 “Brinkerhoff Street Improvements, North Catherine Street to Oak Street.”

By Councilor Jackson; Second by Councilor Rabideau

Discussion: None

Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson

(All voted in the affirmative)

**ACTION TAKEN:** Adopted

Follow up Action: None

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**G.** Request from the City Engineer to advertise for bids for Contract #2009-02 “Elm Street improvements, Margaret Street to Lynde Street.”

**RESOLVED:** In accordance with the request therefore the Common Council approves the City Engineer to advertise for bids for Contract #2009-02 “Elm Street improvements, Margaret Street to Lynde Street.”

By Councilor Valentine; Second by Councilor Carpenter

Discussion: None

Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson

(All voted in the affirmative)

**ACTION TAKEN:** Adopted

Follow up Action: None

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**H.** Request from the City Engineer to advertise for bids for Contract #2009-03 “2009 Painted Pavement Markings.”

**RESOLVED:** In accordance with the request therefore the Common Council approves the City Engineer to advertise for bids for Contract #2009-03 “2009 Painted Pavement Markings.”

By Councilor Rabideau; Second by Councilor Kelly

Discussion: None

Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson

(All voted in the affirmative)

**ACTION TAKEN:** Adopted

Follow up Action: None

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**I.** Request from the City Engineer to advertise for bids for Contract #2009-04 “Ready Mix Concrete.”

**RESOLVED:** In accordance with the request therefore the Common Council approves the City Engineer to advertise for bids for Contract #2009-04 “Ready Mix Concrete.”

By Councilor Carpenter; Second by Councilor Jackson

Discussion: None

Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson

(All voted in the affirmative)

**ACTION TAKEN:** Adopted

Follow up Action: None

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**J.** Request from the Finance Office to create a capital project for 2009 Public Works Equipment Replacement Project, Project H5110.26 for approximately \$386,000.

**RESOLVED:** In accordance with the request therefore the Common Council approves the Finance Office to create a capital project for 2009 Public Works Equipment Replacement Project, Project H5110.26 for approximately \$386,000.

By Councilor Carpenter; Second by Councilor Rabideau

Discussion: None

Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson

(All voted in the affirmative)

**ACTION TAKEN:** Adopted

Follow up Action: None

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**K.** Request from the City Clerk that all previous Resolutions regarding Street Solicitations, Street Drives, Coin Drives, etc. are hereby set aside, and Resolved that the following conditions, rules, and process apply from this date forward.

**RESOLVED:** In accordance with the request therefore the Common Council approves that all previous resolutions regarding Street Solicitations, Street Drives, Coin Drives, etc. are hereby set aside, and

**RESOLVED:** That the following conditions, rules, and process apply from this date forward.

By Councilor Valentine; Second by Councilor Carpenter

Discussion: None

Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson

(All voted in the affirmative)

**ACTION TAKEN:** Adopted

Follow up Action: None

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**L.** Request from the Fire Chief Paul Williams to advertise for bids for a used ambulance.

**RESOLVED:** In accordance with the request therefore the Common Council approves Fire Chief Paul Williams to advertise for bids for a used ambulance.

By Councilor Valentine; Second by Councilor Carpenter

Discussion: None

Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson

(All voted in the affirmative)

**ACTION TAKEN:** Adopted

Follow up Action: None

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## **7. RESOLUTIONS FOR INITIAL CONSIDERATION**

- 1.** Request from the City Clerk that various fees administered through the City Clerk's Office are increased effective April 1, 2009 in accordance with the attached fee schedule.

2. Request from MLD to write-off unpaid final bills from May 1, 2008 to May 31, 2008 in the total amount of \$6,808.88.
3. Request from the Earth Day Committee to use the Farmer's Market building on April 25, 2009 as a venue for local foods, crafts, and Earth friendly activities and as a location for a music concert.
4. Request from the Bishop's Apostles for life to use 4 or 5 parking spaces at 66 Brinkerhoff Street for approximately 100 people who will be attending a prayer service on Friday April 10, 2009 from 9:30 a.m. to 11:30 a.m.
5. Request from Fire Chief Paul Williams for the Mayor to sign a Training Director Agreement with Dan Collins.
6. Request from Police Chief Desmond Racicot to transfer the task of issuing handicapped parking permits to the office of the City Clerk.
7. Request from Police Chief Desmond Racicot for Captain Michael Branch to attend the "Maglocen-2009 Officer Safety & Criminal Intelligence Resources Conference" in Indianapolis, IN from April 6-9, 2009 at a cost not to exceed \$423.00.
8. Request from Fire Chief Paul Williams to attend the New York State Career Chiefs Meeting in Rochester, NY on March 24, 2009 at a cost not to exceed \$300.00.

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## 8. NEW BUSINESS

**Councilor Kelly** passed out proposed changed Local Law regarding the Community Garden that Corporation Counsel Clute has been working on. He asked the Clute explain.

**Corporation Counsel Clute** said this makes it possible for a non for profit corporation to establish a community garden subject to certain kinds of conditions that can be imposed buy the zoning board of appeals as a special permit. This makes it legally possible to establish these.

**Mayor Kasprzak** asked if there is a certain time limit because they want to get up and running by May 1<sup>st</sup>. They are appearing in front of the school board on March 23.

**Corporation Counsel Clute** this will work out because whenever you amend a city zoning ordinance you are required to refer the proposed local law to the county planning board and the city planning board for there advice and recommendations. In terms of timing, the earliest we should act on it should by April 9th and it requires a public hearing. It's been introduced now and we can wait and see if the planning board has any comments.

**Mayor Kasprzak** asked how we get the information to the planning board.

**Kevin Farrington** said they already have it and they are coming to talk on March the 23<sup>rd</sup>.

**Councilor Jackson** asked if we could have any hearings prior to hearing the county planning board.

**Corporation Counsel Clute** thinks we should have it after April 9<sup>th</sup>. Clute said that anyone of the Councilors can introduce a local law by laying it on the “desk” during the meeting.

**Councilor Jackson** met with the City/Campus Coalition and on April 5<sup>th</sup> they would like to go door to door with a City representative along with students to hit and canvas as many college apartments as they can with the theme “being a good neighbor” to hand out information. The coalition is looking for 10-12 groups having one city official with 2-3 students to solicit the information. Plans are to meet for breakfast at 10 a.m. then head out.

**Councilor Carpenter** said there were two unusual incidents that happened in the city and they could have gone another way. One was the Phelps protesters and the other was the use of less than lethal force by the police department. Carpenter would like to thank all the departments that were involved.

**Mayor Kasprzak** thanked Kelly Clookey who has been working very hard since Richard Marks has been gone. He received an email from her at 230 in the morning. He told her she should have called and they could have talked about it because he doesn’t sleep. Kasprzak said she has done a very good job.

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## **9. CLOSING PUBLIC COMMENTS**

**Dan Rugar** said he believes the decisions are not easy if you don’t have the right information. He has noticed that each side is trying to discredit each other’s information. The one with the dots was created by asking parents to judge their children’s teeth, is that subjective? Rugar said none of the Council has the time to discredit the years to write that fluoride book, the amount of education of these people. Now the Council is going to make a decision when all the experts put their lives into it. It appears both sides must have a conspiracy. Rugar asked if either side spoke about the class action suit about this toxin. Our experts are our lawyers who have the time to do the research. Lawyers are meant to speak up for their client no matter which side. Rugar said he is always trying to think of how to get money for the City. Can’t the grant writers do some research for both sides? Some one asked why the haters come to Plattsburgh? Because we give them what they want, attention. Rugar said next time he hopes they dry up and die in the street and we do not give them the respect of even gathering. Let them die like a weed in the garbage.

**Terry Drake** of Lozier Place wants to know why The Bishop’s Apostles for Life are made to jump through hoops to get a few parking spaces when Phelps protesters came and no one spoke about it at the meeting. Drake had to work at the high school and before 8 am it was all set already. When she left she had never seen so many police in one area. Why is it that we can’t work with the college to see if they could help us out for them to do their own billing so college students would have to pay their bills?

**Keith Herkalo** said that the Bishop’s group comes in because they are taking spots in the street and under the vehicle and traffic law the minute they step into the street we need insurance.

**Councilor Rabideau** said that the Police Chief can put blocks up wherever if he feels that public safety is in danger.

**John Welch** said through second hand that he was told the Mayor was approached and asked if he (Welch) couldn't speak at the meeting anymore. Welch hopes it's not true. Welch thanked Carpenter for waiting for him after the meeting last week and talking to him. Welch thanked Joe LoTempio for the article in the Press Republican about The Plattsburgh City School district. Welch said that he heard some of the City managers think that the stimulus money is going to be big so we should start hiring again. These costs will be passed on to everyone's families because these are one shots deal from the Federal government. Welch wonders why the Council doesn't listen to the guys with the hard numbers like Calnon and Marks. Welch said that he has had fluoride for 65 years and he ahs all his teeth except for the ones that have been knocked out. So he agrees with Ms. Bennett.

Natalie Ward of Cumberland Head said that she works as a social worker and a singer. She is blessed to be around a lot of positive energy and having being in this room for the past hour and ten minutes her energy is completely out of whack. Ward hopes that the Council will do everything they can to support the Earth Day event because the community needs some positive energy.

Motion to Adjourn by Councilor Valentine; Seconded by Councilor Calnon  
Roll call: Councilors Carpenter, Kelly, Rabideau, Calnon, Valentine, Jackson  
(All voted in the affirmative)  
**MEETING ADJOURNED:** 6:12 p.m.